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/Gudrun E. Hockett/

Gudrun E. Hockett, Patent Agent

Finance Deposit Account Division
Commissioner for Patents & Trademarks
Alexandria, VA 22313 - 1450

Re: Deposit Account 50-1199
Gudrun E. Hockett

LETTER REQUESTING REFUND OF INCORRECTLY CHARGED FEE AMOUNT

The undersigned in checking her deposit account statement found that a charge of \$120.00 (time extension fee - fee code 1251) was posted on November 1, 2006, in regard to Ser. No. **10/709,513** - docket No. A92988 (see enclosed statement copy).

An appeal brief was filed on October 11, 2006, in response to Notice of Panel Decision from Pre-Appeal Brief Review. The Notice of Panel Decision has reset the time for filing an appeal brief to be **one month from the mailing of said decision** or the balance of the two-month time period running from the receipt of the notice of appeal, **whichever is greater**. The Notice of Appeal was filed 8/9/06 setting a two-month time period ending 10/9/2006; however, the Notice of Panel Decision was mailed **9/11/2006** (see enclosed copy) so that the one-month time period running from the mailing date of the Notice of Panel decision ends **10/11/2006**. The appeal brief was timely filed on **10/11/2006** so that no time extension fee was necessary for filing the appeal brief.

Therefore, it is respectfully requested that the amount of **\$120.00** charged erroneously be credited to my account immediately.

Respectfully submitted on November 7, 2006,
/Gudrun E. Hockett/

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GEH/statement copy (1 page); copy of Notice of Panel Decision (2 pages);

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Deposit Account Statement

Requested Statement Month: November 2006
Deposit Account Number: 501199
Name: GUDRUN E HUCKETT, PATENT AGENT
Attention:
Address: LONSSTR. 53
City: WUPPERTAL
State:
Zip: 42289
Country: GERMANY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,513	03/11/2004	Klaus Prohlich	A91988	3512
30008	7500	09/11/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			1679	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.


Eingang

21. Sep. 2006

Dr. Gudrun E. Draudt
US Patent Agent

PTO-90C (Rev. 10-03)

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Application Number 	Application/Control No. 10/709,513	Applicant(s)/Patent under Reexamination FROHLICH, KLAUS	
	Daniel P. Stodola	Art Unit 3679	
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed August 9, 2006.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-12.

Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Daniel P. Stodola *DPS*

(2) Joshua Kennedy *JK*

(3) Michael Ferguson *MF*

(4) _____

Daniel P. Stodola
DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Document code: WFEE

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